IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-

WRIT PETITION NO : 11868 of 2005

Between:

K.Giri Raju, S/o. Appala Swamy,
Vajrapukotturu, Vajrapukotturu Mandal, Srikakulam District.

..... PETITIONER

AND

1 The Secretary, Regional Transport Authority, Srikakulam, Srikakulam Dist.
2 The Circle Inspector Of Police Checking Officer,
Tekkali, Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to May be pleased to issue a Writ of Mandamus , or any other appropriate writ, order or direction, declaring the action of the respondents in seizing and continuing detention of the petitioner's vehicle (Trukkar) bearing No.AP30T-4473 under the check report, dt.14-5-2005 as illegal, arbitrary and further direct the respondents to release the petitioner's vehicle(Trukkar) forthwith pending enquiry before the last respondent herein.

Counsel for the Petitioner: MR.S.A.RAZAK

Counsel for the Respondents: GP FOR TRANSPORT

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the action of the respondents in seizing his vehicle bearing No.AP30T-4473 and in not releasing the same.

It is stated that the respondents seized the petitioner's vehicle under Vehicle Check Report dated 14.05.2005 at 18.30 hrs on certain alleged irregularities specified therein. It is also stated that the petitioner approached the respondents for release of his vehicle, but the respondents did not release the vehicle.

However, the petitioner is not in a position to specify the date or show any copy of the application made by him for release of his vehicle as contemplated under Rule 48 of the A.P.Motor Vehicles Rules, 1989. In the absence of any such application seeking release of the vehicle, the respondents are not obligated to do so.

Under the above circumstances, the writ petition is disposed of directing the petitioner to make an application as contemplated under Rule 48 of the A.P.Motor Vehicles Rules, 1989. If any such application is made by the petitioner, the respondents are directed to dispose of the said application and release the vehicle on deposit of

Rs.2,000/- (Rupees two thousand only) with a further undertaking that the petitioner shall not alienate or encumber the vehicle during the pendency of the enquiry. It is also made clear that the release of the vehicle and deposit made by the petitioner as directed hereinabove shall be subject to the outcome of the enquiry and orders that are going to be passed by the first respondent.

The writ petition is accordingly disposed of. No costs.

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08.06.2005

VGB

To

1 The Secretary, Regional Transport Authority, Srikakulam, Srikakulam Dist.
2 The Circle Inspector Of Police Checking Officer,
Tekkali, Srikakulam District.

3 2CCs to the Government Pleader for Transport, High Court Buildings,

Hyderabad (OUT).

4 2CD copies.